

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY)
AVERAGE WHOLESALE PRICE) MDL No. 1456
LITIGATION)
THIS DOCUMENT RELATES TO) CIVIL ACTION: 01-CV-12257 PBS
Master File No. 01-CV-12257-PBS)
)
) Judge Patti B. Saris
)
) Chief Mag. Judge Marianne B. Bowler
)

STATUS REPORT DECEMBER 1, 2005

Pursuant to the Court's June 17, 2004 Procedural Order, the undersigned counsel for Plaintiffs and Defendants hereby submit the attached status report to the Court listing the status of all pending motions to date.

Respectfully Submitted,

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ON BEHALF OF ALL PLAINTIFFS

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CERTIFICATE OF SERVICE

I hereby certify that I, Thomas M. Sobol, an attorney, caused a true and correct copy of the foregoing Status Report to be served on all counsel of record electronically on December 1, 2005 pursuant to Section D of Case Management Order No. 2.

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MDL 1456 STATUS CHART – GOVERNMENT ENTITY CASES

GOVERNMENT ENTITY CASES	MDL DOCKET NUMBER	ORIGINAL JURISDICTION	STATUS
Montana v. Abbott Labs., Inc. et al.	02-CV-12084-PBS	Removed to D. Mont.	<ul style="list-style-type: none"> • November 24, 2004 – Watson Pharmaceuticals, Inc.’s Motion to Dismiss the State of Montana’s Second Amended Complaint <i>sub judice</i> <ul style="list-style-type: none"> ○ December 8, 2004 – State of Montana’s Opposition to Motion to Dismiss the State of Montana’s Second Amended Complaint ○ December 16, 2004 – Watson Pharmaceuticals, Inc.’s Reply Memorandum in Support of Motion to Dismiss the State of Montana’s Second Amended Complaint (leave to file granted December 21, 2004) ○ June 16, 2005 – Motion referred to Magistrate Judge Marianne B. Bowler. ○ Motion hearing held on July 14, 2005
Nevada v. American Home Products, Inc. et al (“Nevada II”)	02-CV-12086-PBS	Removed to D. Nev.	<ul style="list-style-type: none"> • November 24, 2004 – Watson Pharmaceuticals, Inc.’s Motion to Dismiss the State of Nevada’s Amended Complaint <i>sub judice</i> <ul style="list-style-type: none"> ○ December 8, 2004 – State of Nevada’s Opposition to Motion to Dismiss the State of Nevada’s Second Amended Complaint ○ December 16, 2004 – Watson Pharmaceuticals, Inc.’s Reply Memorandum in Support of Motion to Dismiss the State of Nevada’s Second Amended Complaint (leave to file granted December 21, 2004) ○ June 16, 2005 – Motion referred to Magistrate Judge Marianne B. Bowler. ○ Motion hearing held on July 14, 2005
California ex rel. Ven-A-Care of the Florida Keys, Inc. v. Abbott Labs., Inc. et al.	03-CV-11226-PBS	Removed to C.D. Cal.	<ul style="list-style-type: none"> • August 25, 2005 – First Amended Complaint in Intervention for Money Damages and Civil Penalties for Violations of the California False Claims Act • September 12, 2005 – Relator Ven-A-Care’s Motion For Leave to File Under Seal Relator’s Notice of Election and Notice of Dismissal • October 6, 2005 – Motion for Entry of Joint Stipulation to Stay the Deadline for Defendant Abbott Laboratories Inc. to Respond to the First Amended Complaint in Intervention

GOVERNMENT ENTITY CASES	MDL DOCKET NUMBER	ORIGINAL JURISDICTION	STATUS
<p>Illinois v. Abbott Laboratories, Inc., Case No. 05-C-4056;</p> <p>Kentucky v. Abbott Laboratories, Inc., Case No. 3:05-CV-48;</p> <p>Kentucky v. Warrick Pharmaceuticals Corp., Case No. 05-CV-49;</p> <p>Kentucky v. Alpharma Inc., Case No. 05-CV-47-KKC;</p> <p>New York v. Aventis, Case No. 05-CV-873;</p> <p>New York v. GlaxoSmithKline PLC, Case No. 05-CV-874;</p> <p>New York v. Pharmacia Corp., Case No. 05-CV-872;</p>	n/a	<p>Removed to N.D. Ill.</p> <p>Removed to E.D. Ky.</p> <p>Removed to E.D. Ky.</p> <p>Removed to E.D. Ky.</p> <p>Removed to N.D.N.Y.</p> <p>Removed to N.D.N.Y.</p> <p>Removed to N.D.N.Y.</p>	<ul style="list-style-type: none"> • July 13, 2005 – Notices of Removal filed (based on <i>Grable & Sons Metal Prods., Inc. v. Darue Eng'g & Mfg.</i>, 125 S. Ct. 2363 (June 13, 2005)) • July 15, 2005 – Notice of Related Action filed with the Judicial Panel on Multidistrict Litigation <ul style="list-style-type: none"> • July 18, 2005 – Amended Notice of Related Action filed with the Judicial Panel on Multidistrict Litigation • August 9, 2005 – Conditional Transfer Order 25 Tag-Along Actions by the Judicial Panel on Multidistrict Litigation with Notice of Opposition Due On or Before August 24, 2005 <ul style="list-style-type: none"> • September 7, 2005 – Motion to Vacate Conditional Transfer Order for Illinois v. Abbott Laboratories (05-4056), Kentucky v. Alpharma Inc. (05-47), Kentucky v. Abbott Laboratories (05-48), Kentucky v. Warrick Pharmaceuticals (05-49), and Wisconsin v. Abbott Laboratories (05-408) <ul style="list-style-type: none"> • September 27, 2005 – Opposition to Motion to Vacate Conditional Transfer Order for Illinois v. Abbott Laboratories (05-4056), Kentucky v. Alpharma Inc. (05-47), Kentucky v. Abbott Laboratories (05-48), Kentucky v. Warrick Pharmaceuticals (05-49), and Wisconsin v. Abbott Laboratories (05-408) • October 10, 2005 – Reply Brief of the States of Illinois and Kentucky in Support of Their Motion to Vacate Conditional Transfer Order 25 • September 8, 2005 – Motion to Vacate Conditional Transfer Order for New York v. Pharmacia Corp. (05-872), New York v. Aventis (05-873), and New York v. GlaxoSmithKline PLC (05-874) <ul style="list-style-type: none"> • September 28, 2005 – Opposition to Motion to Vacate Conditional Transfer Order for New York v. Pharmacia Corp. (05-872), New York v. Aventis (05-873), and New York v. GlaxoSmithKline PLC (05-874)
Florida v. Alpharma, Inc., Case No. 05-257		Removed to N.D. FL	<ul style="list-style-type: none"> • Motion to Remand in Florida v. Alpharma, Inc. (05-257) filed but not briefed prior to transfer <ul style="list-style-type: none"> ○ September 16, 2005 – Plaintiffs' Memorandum of Law in Support of Motion for Remand filed in D. Mass. ○ October 14, 2005 – Defendants' Memorandum of Law in Opposition

GOVERNMENT ENTITY CASES	MDL DOCKET NUMBER	ORIGINAL JURISDICTION	STATUS
			<ul style="list-style-type: none"> o to Plaintiffs' Motion for Remand to State Circuit Court o November 18, 2005 – Endorsed Request for International Judicial Assistance (Letter Rogatory)
State of Texas v. Abbott Labs., Inc., Case No. 1:05-897	n/a	W.D. Tex.	<ul style="list-style-type: none"> • November 22, 2005 – JPML Posting Reflecting Filing by Attorney General for the State of Texas of Notice of Opposition to the Conditional Transfer Order o December 7, 2005 – Motion and Brief from Office of the Attorney General for the State of Texas Due to the JPML
County of Nassau v. Abbott Labs., Inc. et al.	n/a	E.D.N.Y.	<ul style="list-style-type: none"> • No pending motions
County of Erie v. Abbott Labs., Inc. et al.	n/a	W.D.N.Y.	<ul style="list-style-type: none"> • Motion to Remand filed in W.D.N.Y. prior to transfer (not fully briefed due to stay order)

GOVERNMENT ENTITY CASES	MDL DOCKET NUMBER	ORIGINAL JURISDICTION	STATUS
Consolidated County Case: City of New York (S.D.N.Y.) County of Albany (N.D.N.Y.) County of Allegany (W.D.N.Y.) County of Broome (N.D.N.Y.) County of Cattaraugus (W.D.N.Y.) County of Cayuga (N.D.N.Y.) County of Chautauqua (W.D.N.Y.) County of Chenango (N.D.N.Y.) County of Columbia (N.D.N.Y.) County of Cortland (N.D.N.Y.) County of Dutchess (S.D.N.Y.) County of Essex (N.D.N.Y.) County of Fulton (N.D.N.Y.) County of Genesee (W.D.N.Y.) County of Greene (N.D.N.Y.) County of Herkimer (N.D.N.Y.) County of Jefferson (N.D.N.Y.) County of Lewis (N.D.N.Y.) County of Madison (N.D.N.Y.) County of Monroe (W.D.N.Y.) County of Niagara (N.D.N.Y.) County of Oneida (N.D.N.Y.) County of Onondaga (N.D.N.Y.) County of Ontario (W.D.N.Y.) County of Orleans (W.D.N.Y.) County of Putnam (S.D.N.Y.) County of Rensselaer (N.D.N.Y.) County of Rockland (S.D.N.Y.) County of St. Lawrence (N.D.N.Y.) County of Saratoga (N.D.N.Y.) County of Schuyler (W.D.N.Y.) County of Seneca (W.D.N.Y.) County of Steuben (W.D.N.Y.) County of Suffolk (E.D.N.Y.) County of Tompkins (N.D.N.Y.) County of Warren (N.D.N.Y.) County of Washington (N.D.N.Y.) County of Wayne (W.D.N.Y.)	n/a	E.D.N.Y. N.D.N.Y. S.D.N.Y. W.D.N.Y.	<ul style="list-style-type: none"> • March 30, 2005 – County of Suffolk's Motion to Renew Its Second Motion to Compel the Production of Discovery From the Schering-Plough Corporation <i>sub judice</i> (Magistrate Judge Bowler) <ul style="list-style-type: none"> ○ April 6, 2005 – Schering Plough's Opposition to County of Suffolk's Motion to Renew Its Second Motion to Compel the Production of Discovery • June 15, 2005 – Redacted Consolidated Complaint filed in the United States District Court for the District of Massachusetts <ul style="list-style-type: none"> ○ June 15, 2005 – Plaintiffs' Motion for Leave to File Consolidated Complaint Under Seal ○ June 22, 2005 – Corrected Consolidated Complaint filed in the United States District Court for the District of Massachusetts ○ June 23, 2005 – Motion for Leave to File Consolidated Complaint Under Seal Denied. Defendants seeking redactions ordered to file affidavits within ten days. ○ July 8, 2005 – Order modifying June 23, 2005 Order and extending time to file affidavits. ○ October 4, 2005 – Defendants' Request for Extension of Time and Further Relief in Order to Comply with July 8, 2005 Order <ul style="list-style-type: none"> • October 19, 2005 – Plaintiffs' Response to Defendants' Request for Extension of Time and Further Relief in Order to Comply with July 8, 2005 Order, Filed Under Seal

GOVERNMENT ENTITY CASES	MDL DOCKET NUMBER	ORIGINAL JURISDICTION	STATUS
County of Westchester (S.D.N.Y.) County of Yates (W.D.N.Y.)			

MDL 1456 STATUS CHART – PRIVATE CLASS CASES

PRIVATE CLASS CASES	MDL DOCKET NO.	ORIGINAL JURISDICTION	STATUS
Master Consolidated Class Action	Master File 01-CV-12257-PBS	D. Mass. pursuant to JPML Order	<ul style="list-style-type: none"> • May 3, 2004 – Plaintiffs' Motion to Compel The Production of Documents Created During the Relevant Time Period from Defendants Abbott Laboratories, AstraZeneca, Schering Plough, Sicor and Together Rx Defendants <i>sub judice</i> (Magistrate Judge Bowler) <ul style="list-style-type: none"> ○ May 17, 2004 – Certain Defendants' Notice of Opposition to Plaintiffs' Motion to Compel the Production of Certain Documents and Consent Motion for an Extension of Time ○ May 26, 2004 – Notice of Withdrawal of Plaintiffs' Motion to Compel the Production of Documents Created During the Relevant Time Period Directed at Defendant Schering-Plough (<i>Note: withdrawal applies only to Schering-Plough</i>) ○ May 27, 2004 – Consent Motion for an Extension of Time to Oppose the Motion to Compel ○ May 27, 2004 – Opposition of the Together Rx Defendants to Plaintiffs' Motion to Compel the Production of Documents ○ May 28, 2004 – Notice Of Withdrawal Of Plaintiffs' Motion To Compel The Production Of Documents Created During The Relevant Time Period Directed at Defendant Abbott Laboratories (<i>Note: withdrawal applies only to Abbott Laboratories</i>) ○ June 8, 2004 – Notice of Withdrawal of Plaintiffs' Motion to Compel the Production of Documents Created During the Relevant Time Period Directed at Defendant AstraZeneca. (<i>Note: withdrawal applies only to AstraZeneca</i>) ○ June 9, 2004 – Plaintiffs' Reply Memorandum In Support of Motion To Compel The Production of Documents Created During The Relevant Time Period From The Together Rx Defendants ○ June 22, 2004 – Order granting Plaintiffs' Motion to Withdraw Motion to Compel Directed at Abbott Laboratories ○ Awaiting scheduling of hearing or ruling by Court as to Together Rx Defendants. • February 23, 2005 – Third Party Schaller Anderson Inc.'s Objection and Motion to Quash Plaintiffs' Subpoena • March 21, 2005 – B. Braun Medical Inc.'s Motion to Dismiss the Second Amended Master Consolidated Class Action Complaint <i>sub judice</i> (Magistrate Judge Bowler)

PRIVATE CLASS CASES	MDL DOCKET NO.	ORIGINAL JURISDICTION	STATUS
Master Consolidated Class Action (continued)			<ul style="list-style-type: none"> ○ April 4, 2005 – Class Plaintiffs' Opposition to B. Braun Medical Inc.'s Motion to Dismiss the Second Amended Master Consolidated Class Action Complaint ○ April 27, 2005 – B. Braun Medical Inc.'s Reply Memorandum in Support of Its Motion to Dismiss the Second Amended Master Consolidated Class Action Complaint ○ June 7, 2005 – Motion referred to Magistrate Judge Marianne B. Bowler ○ June 17, 2005 – Class Plaintiffs' Notice of Supplemental Authority in Support of Their Opposition to B. Braun Medical Inc.'s Motion to Dismiss the Second Amended Master Consolidated Class Action Complaint ○ June 28, 2005 – B. Braun Medical Inc.'s Response to Plaintiffs' Notice of Supplemental Authority in Support of Their Opposition to B. Braun Medical Inc.'s Motion to Dismiss the Second Amended Master Consolidated Class Action Complaint ○ Motion hearing held on July 14, 2005 ● May 23, 2005 – B. Braun Medical Inc.'s Motion for a Protective Order Staying Discovery Pending Resolution of its Motion to Dismiss <i>sub judice</i> (Magistrate Judge Bowler) <ul style="list-style-type: none"> ○ June 6, 2005 – Plaintiffs' Opposition to B. Braun Medical Inc.'s Motion for a Protective Order Staying Discovery Pending Resolution of its Motion to Dismiss ● June 14, 2005 – Defendant Sicor Inc. and Sicor Pharmaceuticals, Inc.'s Motion for Protective Order with Memorandum in Support <i>sub judice</i> (Magistrate Judge Bowler) <ul style="list-style-type: none"> ○ June 28, 2005 – Plaintiffs' Response to Sicor's Motion for Protective Order ○ July 7, 2005 – Motion for Leave to File Reply to Plaintiffs' Response to Sicor's Motion for Protective Order ● August 26, 2005 – Empire Blue Cross Blue Shield's Motion to Quash Subpoena Seeking Deposition Testimony and For a Protective Order <i>sub judice</i> <ul style="list-style-type: none"> ○ September 9, 2005 – Defendants' Memorandum in Opposition to Empire Blue Cross Blue Shield's Motion to Quash Subpoena Seeking Deposition Testimony and For a Protective Order

PRIVATE CLASS CASES	MDL DOCKET NO.	ORIGINAL JURISDICTION	STATUS
Master Consolidated Class Action (continued)			<ul style="list-style-type: none"> ○ September 20, 2005 – Non Party Empire Blue Cross Blue Shield's Assented to Motion for Leave to File Reply Memorandum of Law In Further Support of Motion to Quash Subpoena Seeking Deposition Testimony and for Protective Order ○ September 20, 2005 – Non Party Empire Blue Cross Blue Shield's Memorandum in Further Support of its Motion to Quash Subpoena Seeking Deposition Testimony and for a Protective Order ● September 21, 2005 – Johnson & Johnson Defendants' Motion to Determine the Sufficiency of Plaintiffs' Responses to (1) Requests for Admissions and Interrogatories Concerning Remicaid, and (2) Requests for Admissions and Interrogatories Concerning Procrit <ul style="list-style-type: none"> ○ October 7, 2005 – Plaintiffs' Response to Johnson & Johnson's Motion to Determine the Sufficiency of Responses to Request for Admissions and Interrogatories Concerning Remicade and Procrit ○ October 11, 2005 – Notice of Hearing on Johnson & Johnson Defendants' Motion to Determine the Sufficiency of Responses to Request for Admissions and Interrogatories Concerning Remicade and Procrit Set for November 9, 2005 before Magistrate Judge Marianne B. Bowler ○ November 23, 2005 – Plaintiffs' Objections to Magistrate Judge Bowler's Ruling on Johnson & Johnson's Motion to Determine the Sufficiency of Plaintiffs' Responses to Request for Admissions and Interrogatories Concerning Remicade and Procrit ● October 12, 2005 – Defendants' Motion to Compel Third Party United Healthcare to Produce Documents and Witnesses for Deposition Pursuant to Subpoena <ul style="list-style-type: none"> ○ October 26, 2005 – United Healthcare, Inc. and United Healthcare Insurance Company's Consolidated Memorandum of Law in Opposition to Defendants' Motion to Compel ● October 17, 2005 – Third Amended Master Consolidated Class Action Complaint Amended to Comply with Court's Class Certification Order <ul style="list-style-type: none"> ○ October 17, 2005 – Plaintiffs' Proposed Consolidated Order Re: Motion for Class Certification ○ October 18, 2005 – Plaintiffs' Notice of Filing Under Seal Third Amended Master consolidated Class Action Complaint

PRIVATE CLASS CASES	MDL DOCKET NO.	ORIGINAL JURISDICTION	STATUS
Master Consolidated Class Action (continued)			<ul style="list-style-type: none"> • October 19, 2005 – Defendant Aventis Pharmaceuticals Inc.’s Motion for a Protective Order Under Fed. R. Civ. P. 26(C)(1), 30(a)(2)(A) and Local Rule 26.1(C) <ul style="list-style-type: none"> ○ October 27, 2005 – Defendant Aventis Pharmaceuticals, Inc.’s Motion for Entry of Protective Order ○ October 27, 2005 – Plaintiffs’ Response to Defendant Aventis’ Motion for Entry of Protective Order ○ November 2, 2005 – Plaintiffs’ Response to Aventis’ Motion for Protective Order and Cross-Motion to Conduct More than Ten Depositions. ○ November 16, 2005 – Defendant Aventis Pharmaceuticals, Inc.’s Opposition to Plaintiffs’ Cross-Motion to Conduct More Than Ten Depositions • October 21, 2005 – Plaintiffs’ Motion to Compel Production of IMS Data and Reports <i>sub judice</i> <ul style="list-style-type: none"> ○ November 4, 2005 – Track One Defendants’ Memorandum in Opposition to Plaintiffs’ Motion to Compel Production of IMS Data and Reports • October 28, 2005 – Plaintiffs’ Motion to Compel Production by Amgen, Inc. <i>sub judice</i> <ul style="list-style-type: none"> ○ November 7, 2004 – Amgen Inc.’s Opposition to Plaintiffs’ Motion to Compel Discovery • November 8, 2005 – Plaintiffs’ Motion to Compel Production by Baxter <ul style="list-style-type: none"> ○ November 22, 2005 – Withdrawn contemporaneously with filing of Plaintiffs’ and Defendant Baxter’s Joint Agreed Motion for Extension to Track II Discovery Schedule with Respect to Baxter • November 9, 2005 – Plaintiffs’ Motion for Order Exempting Defendant Abbott Laboratories from Any Order Refusing to Extend Deadline for Track Two Discovery <ul style="list-style-type: none"> ○ November 23, 2005 – Defendant Abbott Laboratories’ Opposition to Plaintiffs’ Motion for Order Exempting Defendant Abbott Laboratories from Any Order Declining to Extend Deadline for Track Two Discovery • November 23, 2005 – Plaintiffs’ Motion for a Protective Order re:

PRIVATE CLASS CASES	MDL DOCKET NO.	ORIGINAL JURISDICTION	STATUS
Master Consolidated Class Action (continued)			<p>Subpoenas Issued by Dey, Inc. to Tufts Associated Health Plans, Inc. and Neighborhood Health Plan, Inc.</p> <ul style="list-style-type: none"> ○ November 25, 2005 – Plaintiffs' Motion for a Protective Order re: Subpoenas Issued by Defendant Dey to Fallon Community Health Plan and Defendant Abbott Laboratories to Harvard Community Health Care ○ November 25, 2005 – Non-Party Tufts Associated Health Plans, Inc.'s Motion for Protective Order ○ November 29, 2005 – Non-Party Neighborhood Health Plan, Inc.'s Motion for Protective Order and to Quash Subpoena from Defendant Dey, Inc. ○ November 29, 2005 – Dey, Inc. and Abbott Laboratories' Memorandum of Law In Opposition to Plaintiffs' Motions for a Protective Order Concerning Subpoenas Issued to Certain Absent Class Member Third-Party Payors ○ November 29, 2005 – Dey, Inc.'s Consent Motion for an Extension of Time to Oppose Non-Party Tufts Associated Health Plans, Inc.'s Motion for Protective Order. ○ November 30, 2005 – Plaintiffs' Reply Memorandum For A Protective Order Concerning Notices Of Deposition And Subpoenas Issued By Dey To Fallon Community Health Plan And Abbott Laboratories To Harvard Community Health Care <ul style="list-style-type: none"> ● November 28, 2005 – Plaintiffs' Motion for Clarification of Case Management Order #16 <ul style="list-style-type: none"> ○ November 30, 2005 – Response of Defendant Watson Pharma, Inc. to Plaintiffs' "Motion for Clarification of Case Management Order #16" ○ November 30, 2005 – Certain Track II Defendants' Request for Expedited Hearing ○ December 1, 2005 – Order re: Plaintiffs' Motion for Clarification of Case Management Order #16 ○ December 9, 2005 – Joint or Alternative Discovery Schedule DUE ● November 29, 2005 – Plaintiffs' Motion for Leave to Join Pipefitters Local 537 Trust Funds As a Plaintiff and Proposed Class Representative

PRIVATE CLASS CASES	MDL DOCKET NO.	ORIGINAL JURISDICTION	STATUS
International Union of Operating Engineers, Local No. 68 Welfare Fund v. AstraZeneca PLC et al.	04-11503-PBS	Removed to D.N.J.	<ul style="list-style-type: none"> • Motion to Remand filed in District of New Jersey prior to transfer; briefed while pending in District of New Jersey <ul style="list-style-type: none"> ○ April 22, 2005 – Supplemental Brief in Support of Motion for Remand by Plaintiff International Union of Operating Engineers Local No. 68 Welfare Fund ○ May 3, 2005 – Rejection of Supplemental Brief in Support of Motion for Remand by Plaintiff International Union of Operating Engineers Local No. 68 Welfare Fund ○ May 6, 2005 – Supplemental Brief in Opposition to Motion for Remand by Plaintiff International Union of Operating Engineers Local No. 68 Welfare Fund due to be filed ○ June 1, 2005 – Supplemental Brief in Support of Motion for Remand by Plaintiff International Union of Operating Engineers Local No. 68 Welfare Fund re-filed ○ July 20, 2005 – Notice of Supplemental Authority ○ August 19, 2005 – Memorandum and Order: AstraZeneca Shall Submit an Affidavit Explaining Factual Basis for Statement in Notice of Removal within 30 days; and All Discovery on Fraudulent Joinder Claims Shall be Completed within 60 days ○ September 19, 2005 – Response of AstraZeneca Pharmaceuticals LP (Attaching Declaration of Scott Wise with Exhibits) Filed in Response to Court Order Dated August 19, 2005 ○ September 29, 2005 – Motion by Plaintiff, International Union of Operating Engineers, Local No. 68 Welfare Fund for Immediate Remand Based Upon Declarations of Defense Counsel or, in the Alternative, Motion to Reconsider Memorandum and Order of August 19, 2005 ○ October 12, 2005 – Memorandum of Law in Opposition to Motion by Plaintiff, International Union of Operating Engineers, Local No. 68 Welfare Fund for Immediate Remand Based Upon Declarations of Defense Counsel or, in the Alternative, Motion to Reconsider Memorandum and Order of August 19, 2005 • September 30, 2005 – Motion to Quash <ul style="list-style-type: none"> ○ October 11, 2005 – Memorandum of Law in Opposition to Defendant Dr. Stanley C. Hopkins' Motion to Quash • October 28, 2005 – Notice of Voluntary Dismissal of Lupron Related Claims with Prejudice by Plaintiff, International Union of Operating Engineers, Local No. 68 Welfare Fund

PRIVATE CLASS CASES	MDL DOCKET NO.	ORIGINAL JURISDICTION	STATUS
International Union of Operating Engineers, Local No. 68 Welfare Fund v. AstraZeneca PLC et al (continued)			<p>Engineers, Local No. 68 Welfare Fund</p> <ul style="list-style-type: none"> • November 17, 2005 – AstraZeneca’s Motion to Compel the Production of Documents from Plaintiff IUOE, Local No. 68 Welfare Fund
Government Employees Hospital Association v. Serono International, S.A. et al	05-11935-NMG	D. Mass.	<ul style="list-style-type: none"> • September 23, 2005 – Class Action Complaint filed <ul style="list-style-type: none"> ◦ November 21, 2005 – First Amended Class Action Complaint Filed Against Serono International, S.A., Serono Laboratories, Inc., Serono, Inc., RJL Systems, Inc., and Rudolph J. Liedtke • October 31, 2005 – Order case consolidated with 01-cv-12257